

UNITED STATES COURT OF APPEALS September 23, 2010
FOR THE TENTH CIRCUIT Elisabeth A. Shumaker
Clerk of Court

STATE OF WASHINGTON; ELISA
ESPINOSA (GEDO),

Plaintiffs - Appellees,

v.

MIGUEL DAVID GEDO,

Defendant - Appellant.

No. 10-4167
(D.C. No. 2:10-CV-00326-DB)
(D. of Utah)

ORDER

Before **BRISCOE**, Chief Circuit Judge, **TACHA**, and **LUCERO**, Circuit Judges.

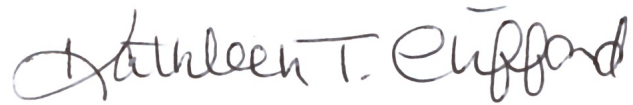
Defendant Miguel Gedo, proceeding *pro se*, appeals the district court's July 8, 2010 Order of Summary Remand of a child custody action to the state court from which Defendant removed it. Because this court lacks jurisdiction, the appeal is dismissed.

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise." 28 U.S.C. § 1447(d). In this case, the district court remanded a child custody action to King County Superior Court in the State of Washington based on lack of subject matter jurisdiction. *See* § 1447(c). Because the July 8, 2010 Order of Summary Remand was premised on lack of jurisdiction, the order is not subject to review. *See* § 1447(d); *Kircher v. Putnam Funds Trust*, 547 U.S. 633,

642 (2006).

Accordingly, the appeal is **DISMISSED** for lack of jurisdiction.

Entered for the Court,
Elisabeth A. Shumaker, Clerk

A handwritten signature in black ink that reads "Kathleen T. Clifford". The signature is written in a cursive, flowing style.

Kathleen T. Clifford
Attorney - Deputy Clerk